

6 May 1975

George--

The House on May 5 passed two bills which you may want to raise at the morning meeting:

1. Both houses have now completed action on S. 172, to revise the allowances for per diem and mileage expenses of Government employees. The Senate agreed essentially to the House version with a minor amendment which the House approved yesterday. The House version was much more to the Administration's liking. It provides for a basic \$35 per diem rate with a \$50 maximum authorized in extraordinary circumstances. The bill raises from a maximum of 12¢ to a maximum of 20¢ per mile the allowances for use of privately owned automobiles, and allows adjustment by the Administrator of General Services based on periodic determinations of average actual cost of operation of vehicles. (See attached clip for language.)

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2. The House also passed H. R. 1244, the Presidential Protection Assistance Act. The purpose of the bill is to centralize the protection of the President in a single office, namely the Secret Service, and to place limitations on the expenditure of funds for his protection. The bill is a result of the revelations that GSA spent millions of dollars on President Nixon's private properties at San Clemente and Key Biscayne. The bill provides that all Federal departments and agencies shall assist the United States Secret Service by "providing, when requested by the Director of the United States Secret Service or his authorized representative and on a reimbursable basis, services, equipment, or facilities on a temporary basis ... "

Don

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age allowance to a rate not to exceed 20 cents.

Another feature of the bill is that it permits flexibility in travel allowances to meet changing and unusual circumstances. GSA would be given the flexibility to raise the travel allowances up to certain limits to cover increased costs of travel and prevent the inequities of the past from developing in the future.

The bill provides for reimbursement of actual and necessary expenses up to \$50 per day for travel to high cost areas such as New York and San Francisco.

H.R. 4834 has a long legislative history, but the problems encountered earlier have all been worked out. The bill before use today has the full support of the administration, GSA, and the Federal employee unions.

Mr. Speaker, I urge my colleagues to enact this urgently needed legislation to eliminate the inequities in the present law.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Brooks) that the House suspend the rules and pass the bill H.R. 4834.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill, S. 172, to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of Government employees, and for other purposes, a similar bill, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? There was no objection.

The Clerk read the Senate bill, as follows:

#### S. 172

An act to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of Government employees, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Travel Expenses Amendments Act of 1975".*

Sec. 2. (a) Section 5701(2) of title 5, United States Code, is amended to read as follows:

"(2) 'employee' means an individual employed in or under an agency, including an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at one dollar a year;"

(b) Section 5705 of such title 5 is amended by striking out "or individual" wherever it appears.

Sec. 3. Section 5702 of title 5, United States Code, is amended to read as follows:

"§ 5702. Per diem; employee travelling on official business

"(a) Under regulations prescribed under section 5707 of this title, an employee while traveling on official business away from his designated post of duty or, in the case of an intermittent employee, his home or regular

place of business, is entitled to a per diem allowance for travel inside the continental United States at a rate not to exceed \$35. For travel outside the continental United States, the per diem allowance shall be established by the President, or his designee, for each locality where travel is to be performed. For travel consuming less than a full day, such rates may be allocated proportionately.

"(b) Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty, becomes incapacitated by illness or injury not due to his own misconduct, is entitled to the per diem allowance and appropriate transportation expenses until such time as he can again travel, and to the per diem allowance and transportation expenses during return travel to his designated post of duty.

"(c) Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the per diem allowance would be less than these expenses, except that such reimbursement shall not exceed—

"(1) \$50 for each day in a travel status within the continental United States when the per diem otherwise allowable is determined to be inadequate (A) due to the unusual circumstances of the travel assignment, or (B) for travel to high-rate geographical areas designated as such in regulations prescribed under section 5707 of this title; or

"(2) \$21 for each day in a travel status outside the continental United States plus the locality per diem rate prescribed for such travel.

"(d) This section does not apply to a justice or judge, except to the extent provided by section 456 of title 28."

Sec. 4. (a) Section 5703 of title 5, United States Code, is repealed.

(b) Item 5703 contained in the analysis of subchapter I of chapter 57 of such title is repealed.

Sec. 5. Section 5704 of title 5, United States Code, is amended to read as follows:

"§ 5704. Mileage and related allowances

"(a) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to—

"(1) 8 cents a mile for the use of a privately owned motorcycle;

"(2) 15 cents a mile for the use of a privately owned automobile; or

"(3) 18 cents a mile for the use of a privately owned airplane,

instead of actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of such advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem. Notwithstanding the preceding provisions of this subsection, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle when a Government vehicle is readily available, payment on a mileage basis is limited to the cost of travel by such Government vehicle.

"(b) In addition to the mileage allowance authorized under subsection (a) of this section, the employee may be reimbursed for—

"(1) parking fees;

"(2) ferry fees;

"(3) bridge, road, and tunnel costs; and

"(4) airplane landing and tie-down fees."

Sec. 6. Section 5707 of title 5, United States Code, is amended to read as follows:

"§ 5707. Regulations and reports

"(a) The Administrator of General Services shall prescribe regulations necessary for

the administration of this subchapter, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to official travel by employees of the judicial branch of the Government. Such regulations shall state the specific rate of the per diem allowance, within the dollar limitations prescribed in the first sentence of section 5702 (a) of this title, and a specific rate of reimbursement for actual and necessary expenses of official travel to each high-rate geographical area under section 5702(c)(1) of this title, to which an employee is entitled.

"(b)(1) The Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year. In conducting the investigations, the Administrator shall review and analyze among other factors—

"(A) depreciation of original vehicle cost;

"(B) gasoline and oil (excluding taxes);

"(C) maintenance, accessories, parts, and tires;

"(D) insurance; and

"(E) State and Federal taxes.

"(2) At least once each year, the Administrator shall determine, based upon the results of his investigations, specific figures each rounded to the nearest one-half cent, of the average, actual cost a mile during the period for the use of a privately owned motorcycle, automobile, and airplane. The Administrator shall report such figures to Congress not later than five working days after he makes his determination. Each such report shall be printed in the Federal Register. The cent figures contained in paragraphs (1), (2), and (3) of section 5704(a) of this section, or any adjustments previously made thereto and in effect under that section, shall be adjusted by the Administrator within thirty days following the submission of that report to the figures so determined and reported by him. Those figures shall not be less than the figures in effect under that section immediately after the enactment of the Travel Expense Amendments Act of 1975, nor shall those figures ever be adjusted to figures greater than—

"(A) 11 cents a mile for the use of a privately owned motorcycle;

"(B) 20 cents a mile for the use of a privately owned automobile; and

"(C) 24 cents a mile for the use of a privately owned airplane.

Those adjusted figures shall also be included in the regulations prescribed under this section."

Sec. 7. Item 5707 contained in the analysis of subchapter I of chapter 57 of title 5, United States Code, is amended to read as follows:

"5707. Regulations and reports."

Sec. 8. The seventh paragraph under the heading "ADMINISTRATIVE PROVISIONS" in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "\$25" and "\$40" and inserting in lieu thereof "\$35" and "\$50", respectively.

Sec. 9. Section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58), is amended—

(1) by striking out "actual transportation expenses incurred by employees" in subsection (a)(8) and inserting in lieu thereof "travel expenses incurred by employees"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) In accordance with regulations pre-

scribed by the Committee on Rules and Administration, an employee of the office shall be reimbursed under this section for per diem and actual transportation expenses incurred, or actual travel expenses incurred, only for round trips made by the employee on official business by the nearest usual route between Washington, District of Columbia, and the home State of the Senator involved, and in traveling within the State (other than transportation expenses incurred by an employee assigned to a Senator's office within the State (1) while traveling in the general vicinity of such office, (2) pursuant to a change of assignment within such State, or (3) in commuting between home and office). However, an employee shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the one hundred twenty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator, in whose office the employee is employed, is a candidate for public office. Reimbursement of per diem and actual travel expenses shall not exceed the rates established in accordance with the seventh paragraph under the heading 'Administrative Provisions' in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 88b). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment."

SEC. 10. Any increases in expenses of per diem, travel, transportation, mileage, and subsistence incurred during fiscal year 1975 as the result of the enactment of this Act shall be absorbed by the departments, agencies, independent establishments, and other entities of the three branches of the United States Government and the government of the District of Columbia incurring such increases. No amounts shall be appropriated for fiscal year 1975 to pay for such increases.

#### MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike out all after the enacting clause of S. 172 and insert in lieu thereof the provisions of H.R. 4834, as passed.

The motion was agreed to.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. HARRIS).

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, the provisions of H.R. 4834 which authorize an increase in the per diem and mileage expenses of Federal employees are just and essential. The current reimbursement rates, set in 1969, must be adjusted to meet 1975 costs.

We cannot let the administration's mismanagement of our economy fall on the backs of our public servants who now have to partially subsidize the cost of doing business for their employer, the Federal Government. Just this week I received the following note from a constituent:

I am urging you to support the bill which will raise the per diem for government workers to \$35. On my last trip to New York City, necessary because that was the only place the class was being offered, my room bill alone, at special federal rates, ran to \$25.61 a day. As I felt the training was necessary, I was not overly upset about paying for some

things on my own, but it is unfair and in

This bill raises the maximum per diem rate from \$25 to \$35. I believe this is completely justified since the cost of food and lodging has increased 25 percent in the last 6 years. Similarly, the bill establishes the maximum actual expense reimbursement at \$50, up \$10 from the 1969 rate of \$40. The maximum mileage allowance for privately owned automobiles under this bill would be 20 cents per mile. Several Government studies substantiate this increase over the 12-cents-per-mile 1969 rate. For example, the Department of Transportation estimates that the cost of operating an automobile today is 15.9 cents per mile.

Finally, H.R. 4834 stipulates that the same provisions regarding per diem allowances will be applicable to all persons traveling on official Government business. And it will reduce Government expenses by utilizing more effective controls over travel costs and provide for simplified and more uniform accounting procedures.

We all know too well the pain of inflation every time we stop at the gas pump or buy our lunch at a restaurant. We cannot ask Federal employees to pay their own way. We cannot ask them to "subsidize" the Federal Government. We cannot ask them to work for us at their expense. I urge my colleagues to join me in voting for this very essential bill.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4834) was laid on the table.

#### GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas? There was no objection.

#### NATIONAL HISTORIC PRESERVATION WEEK

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 242) to authorize and request the President to issue a proclamation designating the Calendar Week beginning May 12, 1975, as "National Historic Preservation Week."

The Clerk read as follows:

#### H.J. Res. 242

Whereas the two hundredth anniversary of the founding of this Republic approaches; and

Whereas an indispensable element of the strength, the freedom, and the constructive world leadership of this Nation is the knowledge and appreciation of our origins and history, of who we are, where we are, and how we arrived there; and

Whereas the houses where we have lived, the buildings where we have worked, the streets we have walked for more than three hundred years are as much a part of our heritage as the wisdom of the Founding Fathers and the works of art which succeeding generations of Americans have bequeathed to us; and

Whereas these buildings and places, great and small, are the roots of our country, but are also sources of pride in our past achievements and enrich our lives today; and

Whereas historic preservation today involves much more than period rooms in house museums, but means, rather, that old homes, public buildings, hotels, taverns, theaters, industrial buildings, churches, and commercial structures can be saved and put to contemporary use as living history to be treated with respect and incorporated within our planning as our towns and cities grow to provide the citizens of this Nation with an environment of quality and enduring interest: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation—

(1) designating the calendar week beginning May 12, 1975, as "National Historic Preservation Week"; and

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, especially the preservation organizations, historical societies, and related groups, to observe that week with educational efforts, ceremonies, and other appropriate activities which—

(a) are designed to call public attention to the urgent need to have our historic landmarks for the enjoyment and edification of the citizens of this Nation, present and future; and

(b) will demonstrate lasting respect for this unique heritage.

The SPEAKER. Is a second demanded?

Mr. DERWINSKI. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentlewoman from Colorado and the gentleman from Illinois will be recognized for 20 minutes each.

The Chair recognizes the gentlewoman from Colorado (Mrs. SCHROEDER).

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, in bringing this proposal for a commemorative period to the floor, I am most pleased to report that the Post Office and Civil Service Committee last Thursday adopted criteria which will enable the Congress to handle commemorative legislation in a much more meaningful way.

The basic outline of the adopted criteria is that the committee will consider this type of legislation only twice each year—during the months of March and September—and will consider only those proposals concerning individuals, groups, and events with national appeal and significance, which shall be demonstrated by their potential to receive serious consideration as a national holiday and further, by written endorsement of a majority of the Members of the House.

Within the next few days each Member of Congress will receive a letter explaining in fuller detail what the new procedures will mean, but essentially, we have tried to restore commemorative days to their original purpose of giving national recognition to a life or event which is nationally significant, but which